



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,540	04/06/2001	Stephen D. Paul	005140.P5252	5523

7590 03/09/2006  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

ZHONG, CHAD

ART UNIT PAPER NUMBER

2152

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/828,540	PAUL, STEPHEN D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### OFFICE ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2005 has been entered.
2. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2, 4-7, 9-10, 16-17, 19-20, 22, 24-25, 27-30, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (hereinafter Kinnunen), US 2001/0018349, in view of Jacobson et al. (hereinafter Jacobson), US 6,426,959.
5. As per claim 1, Kinnunen teaches a method of dynamically discovering and configuring a new network device comprising:
  - registering the new network device with a lookup service (Fig 4);
  - periodically reading the lookup service from an administration terminal ([0143]);
  - responsive to the administration terminal detecting the new network device, notifying a human operator of the presence of the new network device through a graphical user interface on the administration terminal ([0099]-[0100]; [0104-0106], wherein the configuration and detection of new

Art Unit: 2152

devices is taught);

Kinnunen does not explicitly teach:

responsive to the human operator selecting an option available on the graphical user interface, issuing a series of one or more generic Application Program Interface (API) calls representative of the option to the new network device wherein said API calls cause execution of interface software preloaded on the new network device, the interface software contains instructions specific to the new network device for implementing the API calls; and

executing the interface software preloaded on the new device to perform device specific equivalents to the series of one or more generic API calls.

In a similar system Jacobson teaches of a network monitoring system in a wireless network (Col. 2, lines 9-12), wherein a Implementation Component (IC) is able to translate generic allocation commands from management component (MC) into device specific commands for different type of vendor system (See, Col. 4, lines 1-15; Col. 6, lines 55-65). The generic commands are initially issued by an operator on the monitoring side (Col. 9, lines 60-65); furthermore, referring to Col. 3, lines 53-60, Jacobson teaches the IC component is either a part of the network component or remotely controlling the network components, in this case the IC is a part of the network component and manages said component locally. More specifically, the IC component serves as a translator, mapping generic allocation command to a vendor specific command sequence (Col. 4, lines 5-10). It should be noted that the network devices have pre-loaded programs within in order to accept vendor specific commands.

It would have been obvious to the person ordinary skill in the art at the time of the invention to incorporate teachings of Jacobson with Kinnunen because the combination would lead to issuing generic API calls which cause execution of preloaded software on the remote network devices of Kinnunen, and would result in reduced amount of command need to be kept track at the MC (see Jacobsen, Col. 7, lines 5-15).

8. As per claim 2, Kinnunen – Jacobson disclose the invention substantially as rejected in claim 1 above, including said interface stored on the new network device comprises a Java language program (Kinnunen, [0102]).

9. As per claim 5, Kinnunen – Jacobson disclose the invention substantially as rejected in claim 1 above, including said lookup service is the Jini lookup service (Kinnunen, [0005]).

10. As per claim 6, Kinnunen – Jacobson disclose the invention substantially as rejected in claim 1 above, including a method of dynamically configuring a new network device comprising:

registering the new device with a lookup service (Knnunen, Fig 4); and

preloading the new network device with interface software wherein said interface provides instructions specific to the new network device for executing a set of generic Application Program Interface (API) calls (In a similar system Jacobson teaches of a network monitoring system in a wireless network (Jacobson, Col. 2, lines 9-12), wherein a Implementation Component (IC) is able to translate generic allocation commands from management component (MC) into device specific commands for different type of vendor system (See, Col. 4, lines 1-15; Col. 6, lines 55-65). The generic commands are initially issued by an operator on the monitoring side (Col. 9, lines 60-65) );

responsive to receiving API calls, executing the interface software to perform device specific equivalents to the generic API calls.

11. As per claim 7, the claim is rejected for the same reasons as rejection to claim 2 above.

12. As per claim 10, the claim is rejected for the same reasons as rejection to claim 5 above.

13. As per claims 24-25, 28, the claims are rejected for the same reasons as rejection to claim 1-2, 5 above respectively.

Art Unit: 2152

14. As per claims 29-30, 33, the claims are rejected for the same reasons as rejection to claim 1-2, 5 above respectively.

15. As per claim 16, Kinnunen – Jacobson disclose the invention substantially as rejected in claim 1 above, including NAS storage devices (Kinnunen, wherein the mobile agents as well as the service advertiser inherently have memory/hard drive storage, furthermore, they are attached to the network, so they are network attached storage devices), The remainder of claim 16 is rejected for the same reasons as combination of claims 1 above.

16. As per claim 17, the claim is rejected for the same reasons as claim 2 above.

17. As per claim 4, Kinnunen – Jacobson disclose the invention substantially as rejected in claim 1 above, including said device is a network attached storage device (Kinnunen, wherein the mobile agents as well as the service advertiser inherently have memory/hard drive storage, furthermore, they are attached to the network, so they are network attached storage devices).

18. As per claims 9, 27, and 32, the claims are rejected for the same reasons as rejection to claim 4 above.

19. As per claim 19, the claim is rejected for the same reasons as rejection to claim 1 above.

20. As per claim 20, the claim is rejected for the same reasons as rejection to claim 2 above.

21. As per claim 22, the claim is rejected for the same reasons as rejection to claim 1 above.

Art Unit: 2152

22. Claims 3, 8, 18, 21, 23, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen –Jacobson, as applied to claims 1, 6, 16, 24, and 29 above, in view of what was well known in the art.

23. As per claim 3, Kinnunen – Jacobson disclose the invention substantially as rejected in claim 1 above, but does not explicitly teach said options available on the graphical user interface comprise:

create disk; create file system; delete disk; delete file system; and share file functions.

Official Notice is taken (see MPEP 2144.03) the above disk commands are well known and routinely used for commanding and configuring network attached storages at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include the above commands with Kinnunen – Jacobson because it would provide for remote management of disk storage devices.

24. As per claims 8, 18, 21, 23, 26, and 31, the claims are rejected for the same reasons as claims 3 above.

#### ***Response to Arguments***

25. In the remarks, Applicant argued in substance that Kinnunen – Jacobson fails to teach generic API calls issued to the new network device, thereby causing the execution of the interface software which is preloaded on the network device.

In response to Applicant's remarks, the generic commands are initially issued by an operator on the monitoring side (Col. 9, lines 60-65); furthermore, referring to Col. 3, lines 53-60, Jacobson teaches the IC component is either a part of the network component or remotely controlling the network components, in this case the IC is a part of the network component and manages said component locally. More specifically, the IC component serves as a translator, mapping generic allocation command to a

Art Unit: 2152

vendor specific command sequence (Col. 4, lines 5-10). It should be noted that the network devices have pre-loaded programs within in order to accept vendor specific commands.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to

“DISCOVERY AND CONFIGURATION OF NETWORK ATTACHED STORAGE DEVICES”.


- i. US 2002/0099814 Mastrianni et al.
- ii. US 782541 Cohen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ  
March 7, 2006



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER